

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATERN, INC.

v.

STAPLES, INC., ET AL.

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Case No. 2:10-CV-133-JRG-RSP

ORDER

Before the Court are Defendants' Letter Brief Regarding Summary Judgment (Dkt. No. 249) and Motion to Stay (Dkt. No. 228).

Defendants' request for leave to file a motion for summary judgment, made in their Letter Brief dated June 27, 2013 (Dkt. No. 249), is **GRANTED**, and Defendants are **ORDERED** to file the motion by 12:00 noon on July 3, 2013. The motion must not exceed 10 pages, and Defendants should include with the motion a copy of the New York Court's Claim Construction Order. Plaintiffs must file any response by 12:00 noon on July 8, 2013.

With regard to Defendants' Motion to Stay, the Court finds no material change in circumstances since the last time this Court denied Defendants' request for a stay. (*See* Dkt. No. 213.) Thus, the Motion to Stay (Dkt. No. 228) is **DENIED**. The Court will hear argument on the effect of the injunction issued in New York at the Markman hearing.

SIGNED this 1st day of July, 2013.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE